

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Application to Assign License from Alpine-Fresno)
C, LLC, Debtor-in-Possession, to Cricket Licensee)
(Reauction), Inc.; Call Sign WPOJ687)
)
File No. 0001853571)

ORDER

Adopted: May 13, 2005

Released: May 13, 2005

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. We have before us an application (“Application”) seeking consent to assign a 30 MHz C-block Personal Communications Services (“PCS”) license (“License”), call sign WPOJ687, from Alpine–Fresno C, LLC, Debtor-in-Possession (the “Debtor”), to Cricket Licensee (Reauction), Inc (“Cricket”) (collectively with the Debtor, the “Applicants”), a wholly-owned subsidiary of Leap Wireless International, Inc (“Leap”).¹ As discussed below, we conclude that the Petition to Deny (“Petition”)² filed by Alpine PCS, Inc. and Alpine Operating, LLC (“Alpine Petitioners”) is procedurally defective, and furthermore, pursuant to our review under Section 310(d) of the Communications Act of 1934, as amended (“Communications Act”), that approval of the Application will serve the public interest, convenience, and necessity.³ We therefore dismiss the Petition and grant the Application.

II. BACKGROUND

2. On August 5, 2003, Alpine–Fresno C, LLC (“Alpine-Fresno”), along with other licensees controlled by Robet F. Broz (“Broz”), filed a voluntary petition for bankruptcy relief under Chapter 11 of the Bankruptcy Code (“Chapter 11”),⁴ in the United States Bankruptcy Court Central District of California, Northern Division (“Bankruptcy Court”).⁵ Pursuant to the Commission’s rules,⁶ an involuntary application was filed, on September 4, 2003, to assign the License from Alpine-Fresno to the

¹ Application Assigning License from Alpine–Fresno C, LLC, Debtor-in-Possession, to Cricket Licensee (Reauction), Inc., File No. 0001853571 (filed Aug. 27, 2004); Cricket Licensee (Reauction), Inc., FCC Form 602 (filed Apr. 15, 2005).

² Petition to Deny, filed by Alpine PCS, Inc. and Alpine Operating, LLC (Sept. 16, 2004) (“Petition”).

³ See 47 U.S.C. § 310(d).

⁴ 11 U.S.C. §§ 1101 *et seq.*

⁵ Application Assigning Licenses from Alpine–Fresno C, LLC to Alpine–Fresno C, LLC, Debtor-in-Possession, File No. 0001440052, Exhibit A at 1 (filed Sept. 4, 2003) (“DIP Application”).

⁶ See 47 C.F.R. §§ 1.948(c)(2), (g), 24.839(a)(4).

Debtor.⁷ The Commission granted this involuntary application on October 1, 2003.⁸ On January 5, 2004, the Bankruptcy Court ordered relief from the Chapter 11 automatic stay to permit the creditors of the Debtor to pursue the appointment of a receiver in state court.⁹ Certain creditor banks filed a receivership action in the Circuit Court for the County of Otsego, Michigan (“Michigan Court”) and, on February 3, 2004, the Michigan Court entered an order approving the request of the lenders to appoint William B. Calcutt (“Calcutt”) as the receiver with respect to the stock or membership interests of the Debtor (as well as certain other related debtors) that were previously controlled by Broz.¹⁰ The Debtor manually filed an involuntary application, dated March 3, 2004, reporting the transfer of control of the License to Calcutt, as Receiver.¹¹ The Alpine Petitioners filed a Petition to Deny and a Supplement to Petition to Deny, dated May 5, 2004 and May 18, 2004, respectively, requesting that the Application transferring control of the Debtor from Broz to Calcutt be denied or designated for hearing.¹²

3. On August 24, 2004, the Applicants filed the subject Application seeking consent to assign the License from the Debtor to Cricket.¹³ The Application appeared on public notice as accepted for filing, with a fourteen-day comment period, on September 1, 2004.¹⁴ On September 16, 2004, the Alpine Petitioners filed a Petition to Deny requesting that the subject Application assigning the License from the Debtor to Cricket be denied or designated for hearing.¹⁵ The Alpine Petitioners state that this Application is related to the proceeding transferring control of the License from Broz to Calcutt.¹⁶ They argue that the Commission cannot determine whether the public interest would be served by grant of the subject Application until it resolves the “material and substantial questions[, which] were raised regarding the qualifications of the proposed transferee.”¹⁷ The Alpine Petitioners incorporate by reference the May 5,

⁷ See DIP Application at 1.

⁸ See Wireless Telecommunications Bureau Assignment of Authorization and Transfer of Control Applications Action, *Public Notice*, Report No. 1631 (rel. Oct. 8, 2003).

⁹ In re: Robert F. Broz, No. ND 03-12189-RR (Bankr. Ct. Cent. D. Ca. Jan. 8, 2004), *available at* Joint Opposition, filed by Cricket Licensee (Reauction), Inc. and Alpine-Fresno C, LLC, at Exhibit A (Sept. 29, 2004) (“Joint Opposition”). See also Joint Opposition at 2.

¹⁰ See *CoBank, ACB v. RFB Cellular, Inc., et al.*, Order Appointing Receiver, File No. 03-10334-CH, at 2 (Cir. Ct. Cty Otsego Feb. 3, 2004), *available at* Joint Opposition, Exhibit B; see also Motion to Dismiss, filed by Cricket Licensee (Reauction), Inc. and Alpine-Fresno C, LLC, at 3 (Sept. 22, 2004) (“Motion to Dismiss”); Joint Opposition at 2.

¹¹ See Application of Alpine-Fresno C, LLC, Debtor-in-Possession, File No. 0001653450 (filed Mar. 4, 2004, amended June 29, 2004).

¹² Petition to Deny, filed by Alpine PCS, Inc. and Alpine Operating, LLC, at 2 (May 5, 2004) (“May 5, 2004 Petition”); Supplement to Petition to Deny, filed by Alpine PCS, Inc. and Alpine Operating, LLC, at 1 (May 18, 2004) (“May 18, 2004 Supplement”). For additional background information regarding the Debtor’s bankruptcy proceeding, see Applications to Transfer Control of Licenses from Robert F. Broz to William B. Calcutt, *Order*, DA 05-1316, at 1-3 ¶¶ 2-4 (rel. May 13, 2005) (“May 13, 2005 Order”).

¹³ The Bankruptcy Court authorized the sale of the License to Cricket on August 13, 2004. See Application, Description of Transaction and Public Interest Statement, at 1; see also In re: RFB Cellular, Inc., No. ND 03-12187-RR (Bankr. Ct. Cent. D. Ca. Aug. 13, 2004), *available at* Application, Transaction Approval; see also Joint Opposition at 2, Exhibit C.

¹⁴ Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of License Applications, and De Facto Transfer Lease Applications Accepted for Filing, *Public Notice*, Report No. 1926 (rel. Sept. 1, 2004) (“Accepted for Filing PN”).

¹⁵ Petition at 1.

¹⁶ See *id.*

¹⁷ See *id.*

2004 Petition and May 18, 2004 Supplement,¹⁸ which raise the questions regarding the transferee's qualifications, filed against the application transferring control of the License from Broz to Calcutt.¹⁹ In response, the Applicants filed a Motion to Dismiss, dated September 22, 2004,²⁰ and a Joint Opposition, dated September 29, 2004.²¹

III. PROCEDURAL ISSUES

4. The Applicants argue that the Petition should be dismissed as an untimely petition to deny.²² As stated above, the Application was placed on public notice on September 1, 2004.²³ Pursuant to our streamlined approval procedures for license assignments and transfers of control, all petitions to deny had to be filed within fourteen days from the release of this public notice.²⁴ Thus, the public notice established that all petitions to deny had to be filed by September 15, 2004.²⁵ However, the Alpine Petitioners filed their Petition on September 16, 2004. The Commission routinely dismisses untimely petitions to deny.²⁶ Moreover, the Alpine Petitioners did not provide any explanation as to why they were unable to file in a timely manner. We therefore dismiss the Petition as being improperly and untimely filed.²⁷ Moreover, as discussed below, even if we were to ignore the procedural defect and address the Petition on the merits, the Alpine Petitioners fail to raise any arguments that would warrant denying the Application or designating it for hearing.²⁸

¹⁸ *Id.* at 1, Attachments.

¹⁹ *See id.* at 1.

²⁰ Motion to Dismiss at 1.

²¹ Joint Opposition at 1.

²² *See* Motion to Dismiss at 1, 4-6. The Applicants further argue that the Petition lacks the required certification and fails to establish that Alpine has standing to challenge the assignment, pursuant to section 1.939(d) of the Commission's rules, 47 C.F.R. § 1.939(d), and was not properly served upon the Debtor or Cricket, pursuant to sections 1.47 and 1.939(d) of the Commission's rules, 47 C.F.R. §§ 1.47, 1.939(d).

²³ *See* Accepted for Filing PN at 1.

²⁴ *See* Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, WT Docket No. 00-230, *Report and Order and Further Notice and Proposed Rulemaking*, 18 FCC Rcd. 20,604, 20,683 ¶ 197 (2003).

²⁵ *See* Accepted for Filing PN at 1, 3.

²⁶ *See, e.g.,* i2Way Request for Declaratory Ruling, *Memorandum Opinion and Order*, 18 FCC Rcd. 6293, 6298-99 ¶ 12 (Pol'y & Rules Br., Comm. Wireless Div., WTB 2004); Global Crossing LTD. (Debtor-in-Possession), Transferor, and GC Acquisition Limited, Transferee, IB Docket No. 02-286, *Order and Authorization*, 18 FCC Rcd. 20,301, 20,344 n.214 (IB, WTB, WCB 2003) ("*Global Crossing Order*"); Minnesota PCS Limited Partnership, *Order*, 17 FCC Rcd. 126, 127-28 ¶ 5 (Comm. Wireless Div., WTB 2002); Nextel License Holdings 4, Inc., *Order*, 17 FCC Rcd. 7028, 7033 ¶ 13 (Pol'y & Rules Br., Comm. Wireless Div., WTB 2002); Preferred Communications Systems, Inc., *Order*, 14 FCC Rcd. 20,648, 20,649 ¶ 3 (Pol'y & Rules Br., Comm. Wireless Div., WTB; Pol'y & Rules Br., Pub. Safety & Private Wireless Div., WTB 1999).

²⁷ As we are dismissing the application as being untimely filed, we decline to address at this time the other procedural defects raised by the Debtor and Cricket.

²⁸ Our discussion of the merits of the Petition and Supplement to Petition is in the alternative to, and does not constitute a waiver of, our procedural dismissal. *See BDPSC v. FCC*, 351 F.3d 1177, 1182-1183 (D.C. Cir. 2003).

IV. SECTION 310(d) APPLICATION

A. Public Interest Determination in Accordance with Section 310(d)

5. In considering an application for the transfer of control of licenses, the Commission must determine, pursuant to Section 310(d) of the Communications Act, whether the Applicants have demonstrated that the proposed transfer of control of licenses will serve the public interest, convenience, and necessity.²⁹ The legal standards that govern our public interest analysis require that we weigh the potential public interest harms of the proposed transaction against the potential public interest benefits to ensure that, on balance, the proposed transaction will serve the public interest.³⁰ In applying our public interest test, we must assess whether the proposed transaction complies with the specific provisions of the Communications Act, the Commission's rules, and federal communications policy.³¹ Our public interest analysis considers the likely competitive effects of the proposed transaction and whether such transfers raise significant anticompetitive concerns.³² In addition, we consider the efficiencies and other public interest benefits that are likely to result from the proposed transfer of control of the licenses.³³

6. As a threshold matter, the Commission must determine whether the parties meet the requisite qualification requirements to hold and transfer licenses under Section 310(d) of the Act and the Commission's rules.³⁴ As a general rule, the Commission does not re-evaluate the qualifications of

²⁹ 47 U.S.C. § 310(d).

³⁰ See, e.g., Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation, WT Docket No. 04-70, *Memorandum Opinion and Order*, 19 FCC Rcd. 21,522, 21,543 ¶ 40 (2004) ("*Cingular-AT&T Wireless Order*"); Applications for Consent to the Assignment of Licenses Pursuant to Section 310(d) of the Communications Act from NextWave Personal Communications, Inc., Debtor-in-Possession, and NextWave Power Partners, Inc., Debtor-in-Possession, to Subsidiaries of Cingular Wireless LLC, WT Docket 03-217, *Memorandum Opinion and Order*, 19 FCC Rcd. 2570, 2580-81 ¶ 24 (2004) ("*Cingular-NextWave Order*"); General Motors Corporation and Hughes Electronics Corporation, Transferors, and The News Corporation Limited, Transferee, MB Docket No. 03-124, *Memorandum Opinion and Order*, 19 FCC Rcd. 473, 483 ¶ 15 (2004) ("*GM-News Corp. Order*"); WorldCom, Inc. and Its Subsidiaries (Debtors-in-Possession), Transferor, and MCI, Inc., Transferee, WC Docket No. 02-215, *Memorandum Opinion and Order*, 18 FCC Rcd. 26,484, 26,492 ¶ 12 (2003) ("*WorldCom Order*"); VoiceStream Wireless Corporation, PowerTel, Inc., Transferors, and Deutsche Telekom AG, Transferee, IB Docket No. 00-187, *Memorandum Opinion and Order*, 16 FCC Rcd. 9779, 9789 ¶ 17 (2001) ("*Deutsche Telekom-VoiceStream Order*"); Application of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, CC Docket No. 98-184, *Memorandum Opinion and Order*, 15 FCC Rcd. 14,032, 14,046 ¶ 22 (2000) ("*Bell Atlantic-GTE Order*"); Applications to Assign Wireless Licenses from WorldCom Inc. (Debtor-in-Possession) to Nextel Spectrum Acquisition Corp., WT Docket No. 03-203, *Memorandum Opinion and Order*, 19 FCC Rcd. 6232, 6241 ¶ 23 (WTB, MB 2004) ("*Nextel-WorldCom Order*"); *Global Crossing Order*, 18 FCC Rcd. at 20,315 ¶ 17.

³¹ See, e.g., *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,542-43 ¶ 40; *Cingular-NextWave Order*, 19 FCC Rcd. at 2581 ¶ 24; *GM-News Corp. Order*, 19 FCC Rcd. at 484 ¶ 16; *Nextel-WorldCom Order*, 19 FCC Rcd. at 6241 ¶ 23; Applications of TeleCorp PCS, Inc., Tritel, Inc., and Indus, Inc., WT Docket No. 00-130, *Memorandum Opinion and Order*, 16 FCC Rcd. 3716, 3721-22 ¶ 12 (WTB 2000) ("*TeleCorp-Tritel Order*").

³² See, e.g., *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,544-45 ¶ 42; *Cingular-NextWave Order*, 19 FCC Rcd. at 2581 ¶ 24; *WorldCom Order*, 18 FCC Rcd. at 26,492 ¶ 12; *Nextel-WorldCom Order*, 19 FCC Rcd. at 6241 ¶ 23; *Global Crossing Order*, 18 FCC Rcd. at 20,315-16 ¶ 17.

³³ See, e.g., *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,544 ¶¶ 40-41; *Cingular-NextWave Order*, 19 FCC Rcd. at 2581 ¶ 24; *WorldCom Order*, 18 FCC Rcd. at 26,492-93 ¶ 12; *Nextel-WorldCom Order*, 19 FCC Rcd. at 6241-42 ¶ 23; *Global Crossing Order*, 18 FCC Rcd. at 20,316 ¶ 17.

³⁴ See 47 U.S.C. § 310(d); 47 C.F.R. § 1.948; see, e.g., *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,546 ¶ 44; *Cingular-NextWave Order*, 19 FCC Rcd. at 2581 ¶ 25; *GM-News Corp. Order*, 19 FCC Rcd. at 485 ¶ 18; *WorldCom Order*, 18 FCC Rcd. at 26,493 at ¶ 13; *Deutsche Telekom-VoiceStream Order*, 16 FCC Rcd. at 9790 ¶ 19; *Nextel-WorldCom Order*, 19 FCC Rcd. at 6242 at ¶ 24; *Global Crossing Order*, 18 FCC Rcd. at 20,316 ¶ 18; Northcoast

(continued....)

transferors unless issues related to basic qualifications have been designated for hearing by the Commission or have been sufficiently raised in petitions to warrant the designation of a hearing.³⁵ As a required part of our public interest analysis, however, Section 310(d) requires the Commission to consider whether the proposed assignee or transferee is qualified to hold Commission licenses.³⁶ When evaluating the qualifications of a potential licensee, the Commission previously has stated that it will review allegations of misconduct directly before it,³⁷ as well as conduct that takes place outside of the Commission.³⁸

B. Qualifications of the Applicants

7. As stated above, the Commission normally does not reevaluate the qualifications of an assignor. Here, the qualifications of the assignor have been challenged by the Alpine Petitioners in a separate, but related, proceeding. The Alpine Petitioners incorporate by reference the May 5, 2004 Petition and May 18, 2004 Supplement filed against the applications to transfer control of the Debtor from Broz to Calcutt. As these issues have been addressed and disposed of in a prior order,³⁹ these arguments are moot. In this proceeding, no issues have been raised with respect to the basic qualifications of Cricket, as assignee. Thus, we find no reason to reevaluate the qualifications of Cricket, or its parent company Leap.

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Communications, LLC and Cellco Partnership d/b/a Verizon Wireless, WT Docket No. 03-19, *Memorandum Opinion and Order*, 18 FCC Rcd. 6490, 6492 ¶ 5 (CWD 2003) (“*Verizon-Northcoast Order*”).

³⁵ See, e.g., *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,546 ¶ 44; *Cingular-NextWave Order*, 19 FCC Rcd. at 2581-82 ¶ 25; *GM-News Corp. Order*, 19 FCC Rcd. at 485 ¶ 18; *WorldCom Order*, 18 FCC Rcd. at 26,493-94 ¶ 13; *Deutsche Telekom-VoiceStream Order*, 16 FCC Rcd. at 9790 ¶ 19; Applications of SBC Communications Inc. and BellSouth Corporation, WT Docket No. 00-81, *Memorandum Opinion and Order*, 15 FCC Rcd. 25,459, 25,465 ¶ 14 (2000) (“*SBC-BellSouth Order*”); *Nextel-WorldCom Order*, 19 FCC Rcd. at 6242 at ¶ 24; *Global Crossing Order*, 18 FCC Rcd. at 20,316 ¶ 18; *Verizon-Northcoast Order*, 18 FCC Rcd. at 6492 ¶ 5; *TeleCorp-Tritel Order*, 18 FCC Rcd. at 6492 ¶ 5. See also Stephen F. Sewell, *Assignments and Transfers of Control of FCC Authorizations under Section 310(d) of the Communications Act of 1934*, 43 FED. COMM. L.J. 277, 339-40 (1991). The policy of not approving assignments or transfers when issues regarding the licensee’s basic qualifications remain unresolved is designed to prevent licensees from evading responsibility for misdeeds committed during the license period. See *id.*

³⁶ See, e.g., *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,546 ¶ 44; *Cingular-NextWave Order*, 19 FCC Rcd. at 2582 ¶ 25; *GM-News Corp. Order*, 19 FCC Rcd. at 485 ¶ 18; *WorldCom Order*, 18 FCC Rcd. at 26,494 ¶ 13; *SBC-BellSouth Order*, 15 FCC Rcd. at 25,465 ¶ 14; *Bell Atlantic-GTE Order*, 15 FCC Rcd. at 14,227 ¶ 429; *Nextel-WorldCom Order*, 19 FCC Rcd. at 6242 at ¶ 24.

³⁷ See *WorldCom Order*, 18 FCC Rcd. at 26,494 ¶ 13. The Commission will consider any violation of any provision of the Act, or of the Commission’s rules or policies, as predictive of an applicant’s future truthfulness and reliability and, thus, as having a bearing on an applicant’s character qualifications. *Bell Atlantic-GTE Order*, 15 FCC Rcd at 14227-28, ¶ 429; Policy Regarding Character Qualifications In Broadcast Licensing Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and the Making of Misrepresentations to the Commission by Permittees and Licensees, Gen. Docket No. 81-500, *Report, Order and Policy Statement*, 102 F.C.C.2d 1179, 1209-10 ¶ 57 (1986), *modified*, 5 FCC Rcd. 3252 (1990), *recon. granted in part*, 6 FCC Rcd. 3448 (1991), *modified in part*, 7 FCC Rcd. 6564 (1992)..

³⁸ See *WorldCom Order*, 18 FCC Rcd. at 26,494 ¶ 13. The Commission previously has determined that in its review of character issues, it will consider forms of adjudicated, non-Commission related misconduct that include: (1) felony convictions; (2) fraudulent misrepresentations to governmental units; and (3) violations of antitrust or other laws protecting competition. See, e.g., *Bell Atlantic-GTE Merger Order*, 15 FCC Rcd at 14227-28 ¶ 429.

³⁹ See May 13, 2005 Order at 7-12 ¶¶ 9-23.

C. Competitive Analysis

8. When evaluating the likely competitive effects and public interest benefits of a proposed transaction, the Commission performs a case-by-case review of the transaction in order to fulfill the Commission's statutory mandate to promote and enhance competition in the relevant market, ensure diversity of license holdings, accelerate private sector deployment of advanced services, and manage the spectrum in the public interest.⁴⁰ In this transaction, Cricket proposes to acquire 30 MHz of spectrum in the Fresno Basic Trading Area ("BTA") (BTA157).⁴¹ Cricket currently holds no other spectrum in the market; therefore, post-transaction, it will hold 30 MHz of spectrum in the Fresno BTA.⁴² The Applicants state that this transaction is in the public interest, because it will "facilitat[e] the roll out of competitive wireless service in the subject market."⁴³ The Applicants further argue that this transaction will allow Cricket "to build out a state-of-the-art wireless system in the licensed area and to offer innovative and affordable wireless services to the public."⁴⁴ We find that the proposed transaction is in the public interest as it will allow Cricket to expand its footprint into a new market.

V. CONCLUSION

9. We find that the Petition filed by the Alpine Petitioners is procedurally defective; however, even if it were appropriately filed, the Alpine Petitioners, as discussed in the May 13, 2005 Order, have failed to raise a substantial and material question of fact that a grant of the subject assignment Application would not serve the public interest. Specifically, they have failed to raise any valid argument that the Debtor does not have the requisite qualifications to be a Commission licensee or assignor. We find that the Debtor has shown the requisite qualifications to assign the license. Furthermore, we find the assignment of the License from the Debtor to Cricket to be in the public interest, convenience, and necessity.

VI. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that, pursuant to section 1.933(d) and 1.939(a) of the Commission's Rules, 47 C.F.R. §§ 1.933(d), 1.939(a), the Petition to Deny filed by Alpine PCS, Inc. and Alpine Operating, LLC is DISMISSED.

11. IT IS FURTHER ORDERED that, pursuant to the authority granted in Sections 4(i), 309(j), and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(j), 310(d), the Applications, dated March 3, 2004, seeking approval for the assignment of license from Alpine-Fresno C, LLC, Debtor-in-Possession, to Cricket Licensee (Reauction), Inc are GRANTED.

⁴⁰ See *Cingular-AT&T Wireless*, 19 FCC Rcd. at 21,544 ¶ 41; *GM-News Corp. Order*, 19 FCC Rcd. at 483-84 ¶ 16; *Nextel-WorldCom Order*, 19 FCC Rcd. at 6244 ¶ 29; see also 2000 Biennial Regulatory Review Spectrum Aggregation Limits For Commercial Mobile Radio Services, *Report and Order*, 16 FCC Rcd. 22,668, 22,696 ¶ 55 (2001) (citing 47 U.S.C. §§ 301, 303, 309(j), 310(d)).

⁴¹ See Application, Description of Transaction and Public Interest Statement, at 1.

⁴² See *id.*

⁴³ *Id.*

⁴⁴ *Id.*

12. These actions are taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Katherine M. Harris
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